

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES,

Plaintiff,

v.

OCIE CUSAAC, et al.,

Defendants.

Civil Action
No. 06-1231 (JBS)

MEMORANDUM OPINION

This matter is before the Court on the motion of Defendant Ocie Cusaac to dismiss the complaint for failure to provide discovery [Docket Item 9]. Ocie Cusaac has been replaced in this action by Robert Cusaac and Lynette White, personal representatives of the Estate of Ocie Cusaac. The Court finds as follows:

1. Under Local Civil Rule 7.1(d)(1), no motion shall be heard without a brief filed in support of it or, under 7.1(d)(4), "a statement that no brief is necessary and the reasons therefor."

2. Defendants have filed no brief nor any 7.1(d)(4) statement in connection with the motion to dismiss, which they filed on December 4, 2006.

3. On December 5, 2006, after a telephone conference with the parties, Magistrate Judge Schneider entered an Order requiring Plaintiff to provide the requested available discovery by December 29, 2006 and directing Defendant to file a

subsequent motion for sanctions if Plaintiff failed to comply with that discovery Order.

4. Defendants have not filed any additional request for sanctions in the months since Judge Schneider intervened in this discovery dispute. Therefore, the matter appears to be moot.

5. To the extent that it is not moot, the Court would still deny the motion to dismiss for failure to provide the Court with a brief or a statement why no brief is necessary, pursuant to Local Civil Rule 7.1(d). An appropriate Order shall be entered denying the motion to dismiss.

May 31, 2007

Date

s/ Jerome B. Simandle

Jerome B. Simandle
U.S. District Judge